

REMARKS

The Examiner is thanked for the thorough examination of this application. The Office Action, however, has continued to reject all claims 1-20, based on newly cited references. Applicant has elected to cancel claims 15-18, rather than continue arguing those claims. However, as for all remaining claims, Applicants disagree with the application of the cited art and request reconsideration and withdrawal of the rejections for at least the reasons set forth herein.

As with the previous Office Action, the latest Office Action has again cited a new principal reference in rejecting the claims. As the newly cited reference (US patent 6,675,386) has been issued for some time, the new rejections appear to result more from an incomplete initial search (and subsequent search), as opposed to merely an updated search (particularly since the present claims have not been amended). The undersigned (again) notes the MPEP's admonition against piecemeal examination. Such piecemeal examination imposes an undue cost on applicants in the examination process. Simply stated, the approach taken by the Examiner is in direct contradiction to the established rules of the MPEP and policies of the U.S. PTO.

In responding to the present rejection (the fifth Office Action mailed in this application), Applicant assumes that the Examiner has now made all relevant art of record, as the MPEP requires that Examiners avoid piecemeal examination of applications (MPEP 707.07(g)), and that the art now of record reflects the results of a thorough search of the embodiments of the specification as well as the claims (MPEP 904).

The undersigned noted this MPEP requirement in the last response and the present Office Action seems to justify every Office Action as being compliant with the MPEP requirement, allegedly because each Office Action has rejected all claims. In fact, if the initial search had been complete (as required by the MPEP), then there would be no need to go back and further search (as the claims have not been substantively amended). Instead, it appears that that the Examiner has search^{ed} to find a relevant reference, and then writes up an Office Action based on that reference. After Applicant distinguishes the cited reference, the Examiner has returned to do more searching to find another relevant reference, and so on. This is precisely the type of piecemeal prosecution that the MPEP seeks to prohibit.

Claims 1-14

Turning now to the substantive rejections, claims 1-5, 7-12, and 15-20 have been tentatively rejected under 35 U.S.C. § 102(e) as allegedly anticipated by US patent 6,675,386 to Hendricks. Applicants respectfully traverse these rejections, for various fundamental reasons.

In applying the cited reference to the claims, the Office Action has ignored certain claimed features that the references do not teach or disclose. Independent claim 1 recites:

1. An ***apparatus for communicating graphics between at least two remotely-located computers across a computer network comprising:***
 - an input for receiving a video signal output from a graphics card of a source computer;*
 - a memory for storing discrete units of the video signal;*

a compression circuit for compressing a plurality of the discrete units into a compressed video signal;

a network interface circuit coupled to both the compression circuit and the computer network, the network interface circuit configured to format and communicate the compressed video signal over the computer network to a remote computer; and
an output coupled to the computer network.

(*Emphasis added.*) Claim 1 patently defines over the cited art for at least the reason that the cited art (even if properly combined) fails to disclose at least the features emphasized above.

First, and with regard to a fundamental feature of the claimed embodiments (i.e., “communicating graphics between at least two remotely-located computers ...”), the Office Action cited FIG. 3A, elements 104, 134, and 106 as teaching the first computer. Applicants respectfully traverse this application of Hendricks. Element 104 denotes a camera (see col. 6, line 47). Element 106 denotes a video tape (see col. 6, line 52). Finally, element 134 denotes a controller for controlling the associated camera 104 (see col. 7, lines 36-40). These elements are consistent with the essence of Hendricks, which is stated therein as being “a method and apparatus for communicating multiple live video feeds over the internet.” Simply stated, these elements do not disclose one of the two remotely-located computers of claim 1.

A more significant misapplication of Hendricks is reflected in the next element of the claim. Specifically, claim 1 recites “***an input for receiving a video signal output from a graphics card of a source computer.***” The Office Action (see p. 4) cites FIG. 3A, elements 104, 134, 106, and col. 6, line 64 – col. 7, line 12 as allegedly teaching this feature. Applicant respectfully disagrees. As noted above, element 104 denotes a camera, element 134 denotes a camera controller, and element 106 denotes a video

tape. Accordingly, none of these element can properly disclose the claimed video signal output from the graphics card of a source computer.

Referring to the present application, the paragraph on page 4, line 13 states:

To facilitate the communication of video information from a source computer 20 to a destination computer 50, a novel network video apparatus (NVA) 100 is provided. Various embodiments of such a NVA 100 will be described in more detail herein (e.g., FIGS. 2 and 5). In short, the NVA 100 operates by receiving a video signal at an input, formatting the video signal for network communication, and outputting the formatted video signal across one or more networks. ***More particularly, a standard or conventional video signal, such as a video signal generated by a video graphics card, may be connected to the NVA 100. This connection may be made through conventional cabling 22 and a connector 102 coupled to an input of the NVA 100.***

(Emphasis added.)

This description is completely consistent with how a person skilled in the art would interpret the claimed “video signal.” In this regard, it should be appreciated that a video signal is not simply any signal that may carry or include video content, but instead is a signal that is dedicated to carrying video content. Support for this interpretation was provided in attachments to Applicants’ previous response.

Significantly, Hendricks fails to teach or disclose “an input” of the camera 104, the controller 134, or the video tape 106 (cited as constituting the claimed computer) “for receiving a ***video signal output from a graphics card of a source computer,***” as expressly recited in claim 1. In advancing this rejection, it appears that the Office Action may not be giving any weight or meaning to the claimed phrase “from a graphics card of a source computer.” Accordingly, this claimed feature, as properly construed, clearly defines over the generic teachings of Hendricks. For at least this reason, the rejection is misplaced and should be withdrawn.

As a separate and independent basis for the patentability of claim 1, Hendricks fails to disclose the claimed ***"memory for storing discrete units of the video signal."*** For this claimed feature, the Office Action cited the digital storage element 132 (and similar storage elements 258 and 260 of FIGs. 9A and 9B. This application of Hendricks simply makes no sense, in the context of the claimed embodiments. In this regard, claim 1 recites: "An ***apparatus*** ... comprising: ***an input for receiving a video signal output from a graphics card of a source computer; a memory for storing discrete units of the video signal...***" That is, both the claimed "input" and the claimed "memory" comprise parts of the apparatus. As noted above, the Office Action cites elements 104, 134, and 106 as constituting or disclosing the claimed "input." If this is the case, however, the digital storage 132 cannot properly constitute part of the same "apparatus," as it is a totally distinct (and separate) element in the system of Hendricks. Applicants appreciate that limitations from the specification are not to be read into the claims (and the Applicant is not arguing for any such interpretation). However, the Patent Office cannot give an interpretation to the claims that would be repugnant to the teachings of the specification.

In this regard, the claimed apparatus would correspond to the item 100 of FIG. 1, or item 200 of FIG. 4 of the present application. It is single device that comprises the various elements defined in claim 1. To apply the physically separate (and substantially unrelated) elements of the system of FIG. 3B (or 9A and 9B) as constituting the various claimed elements of the "apparatus" of claim 1 constitutes an interpretation of claim 1 that is repugnant to the clear teachings of the present specification. For at least this additional reason, the rejection of claim 1 should be withdrawn.

As yet another independent basis for the patentability of claim 1, claim 1 further recites that the "apparatus ... comprises ... ***a compression circuit for compressing a plurality of the discrete units into a compressed video signal.***" As with the application of Hendricks to the claimed "memory" element, the Office Action has cited yet another separate physical component of the system of Hendricks. As described in connection with the memory element above, this application of Hendricks is misplaced. Further still, claim 1 specifies that the compression circuit compresses the plurality of "discrete units" which are stored in the memory. The cited compression elements of Hendricks do not do this. For example, the Office Action cites element 108 as constituting the claimed compression circuit. However, element 108 operates on the output of video tape 106. Significantly, it does NOT operate on the output of the digital storage unit 132, which the Office Action has applied as constituting the claimed memory. Therefore, properly interpreting the these two claimed elements:

***a memory for storing discrete units of the video signal;
a compression circuit for compressing a plurality of the
discrete units into a compressed video signal;***

it is clear that claim 1 requires the compression circuit to compress the "plurality of discrete units," which are stored in the memory. Assuming that the digital storage component 132 of Hendricks constitutes the claimed memory (as the Office Action has applied it), then the compression element 108 cannot properly apply to the claimed "compression circuit" because it does not operate on the contents of the digital storage, but rather the output of the video tape.

The Office Action has also cited elements 114 and 270 as constituting the claimed compression circuit. As can be readily verified, however, this application of

Hendricks suffers the same shortcoming. For at least this additional reason, the rejection of claim 1 should be withdrawn.

The Office Action also rejected claim 2 as allegedly anticipated by Hendricks. Applicant respectfully disagrees.

Like claim 1, claim 2 recites:

2. An apparatus for communicating graphics across a computer network comprising:
an input for receiving a video signal;
a memory for storing discrete units of the video signal;
a compression circuit for compressing a plurality of the discrete units into a compressed video signal; and
a network interface circuit coupled to both the compression circuit and the computer network, the network interface circuit configured to format and communicate the compressed video signal over the computer network to a remote computer.

(*Emphasis added.*) Claim 2 patently defines over the cited art for at least the reason that the cited art (even if properly combined) fails to disclose at least the features emphasized above.

The features emphasized in claim 2 above closely parallel the distinguishing features discussed above in connection with claim 1. Therefore, Applicants submit that the rejection of claim 2 should be withdrawn for at least the same reasons set forth above in connection with claim 1.

Claims 3-14 depend from claim 2, and therefore patently define over the cited art for at least the same reasons.

Claims 15-20

Claims 15-20 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by Hendricks. The rejections of claims 15-18 have been rendered moot by the cancellation of those claims.

With respect to independent claim 19: that claim recites:

19. A method for communicating graphics across a computer network comprising:
receiving a video signal from a graphics card of a source computer;
converting the video signal into a format suitable for communication over a computer network; and
communicating the converted video signal across the computer network to a remote computer.

(*Emphasis added.*) Claim 19 patently defines over Hendricks for at least the reason that Hendricks fails to disclose the feature emphasized above.

The Office Action cited the same features of Hendricks to the claimed operation of “receiving a video signal from a graphics card of a source computer,” as it did to the “input for receiving ...” element of claim 1. Accordingly, Applicants submit that this element is not taught in Hendricks, for the same reasons discussed above in connection with claim 1. In this regard, there is absolutely no disclosure in Hendricks of receiving a video signal “from a graphics card of a source computer.” For at least this reason, the rejection of claim 19 should be withdrawn. As claim 20 depends from claim 19, the rejection of claim 20 should be withdrawn for at least the same reasons.

CONCLUSION

Applicant respectfully submits that all claims are in proper condition for allowance, and respectfully request that the Examiner pass this case to issuance. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this Response to Office Action. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Hewlett-Packard Company's Deposit Account No. 08-2025.

Respectfully submitted,

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Please continue to send all future correspondence to:

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